

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

FEDERAL DEPOSIT INSURANCE	)	
CORPORATION AS RECEIVER FOR	)	
MUTUAL BANK	)	
	)	
Plaintiff	)	
v.	)	No. 11 CV 7590
	)	
AMRISH MAHAJAN, ARUN VELUCHAMY,	)	
ANU VELUCHAMY, STEVEN LAKNER,	)	
RONALD TUCEK, PARTRICK McCARTHY,	)	
PAUL PAPPAGEORGE, RICHARD BARTH,	)	
THOMAS PACOCHA, JAMES REGAS,	)	
REGAS, FREZADOS & DALLAS, LLP.	)	
	)	
Defendants.	)	

**DEFENDANT REGAS, FREZADOS & DALLAS, LLP'S**  
**MOTION TO DISMISS**

Defendant, Regas, Frezados & Dallas, LLP (the "Law Firm") by and through its attorneys, Newton Marshall and Edward Fitzsimmons Dunne, moves this Court to dismiss Counts IX, X, and XI pursuant Federal Rule of Civil Procedure 12(b)(6) and 12(g)(1) In support of this motion, the Law Firm states as follows:

1. The FDIC filed suit against the Law Firm and James Regas alleging that the Law Firm and Mr. Regas committed legal malpractice.

2. Mr. Regas has filed a motion to dismiss the malpractice claims asserted against him. To the extent Mr. Regas' arguments are equally applicable to the Law Firm, the Law Firm adopts, incorporates and joins in Mr. Regas' motion to dismiss per Federal Rule of Civil Procedure 12(g)(1).

3. Pertinent to the Law Firm, the FDIC alleges that it failed to adequately represent Mutual Bank with respect to three loan transactions. The FDIC avers that in connection with

these loans, the Law Firm failed to advise of the risk of the loans, failed to insure the was adequate due diligence performed for the loans, failing to protect the Mutual bank from the lending misconduct of its officers and directors and approving the loans.

4. According to the FDIC, these assertions support causes of action for Legal Malpractice (Count IX), Breach of Fiduciary Duty (Count X) and Aiding and Abetting the Breach of Fiduciary Duty (Count XI).

5. The Complaint fails to adequately state a cause of action against the Law firm for the following enumerated reasons:

- a. The complaint fails to allege the scope of the Law Firm's representation of the Mutual Bank which is fatal to the Legal Malpractice claim (Count IX);
- b. The complaint contains admissions negating the asserted claims of negligence;
- c. The complaint contains duplicative counts (Counts IX and X); and
- d. The complaint fails to allege a cause of action for aiding and abetting a violation of fiduciary duty (Count XI).

6. For these reasons as more fully set forth in the Law Firm's memorandum, the Law Firm Requests that Counts IX, X, and XI be dismissed.

**WHEREFORE**, defendant, Regas, Frezados and Dallas, LLP requests that this Court dismiss Counts IX, X, XI or the Complaint and grant it any further relief as this Court deems fair and just.

Respectfully submitted,  
REGAS, FREZADOS & DALLAS, LLP.

By: /s/ Edward F. Dunne  
One of its attorneys

Newton C. Marshall (ARDC No. 6209427)

Edward F. Dunne (ARDC No. 6224845)

Karbal, Cohen, Economou, Silk & Dunne,

LLC 150 S. Wacker Drive, Suite 1700

Chicago, IL 60606

312.431.3700

[nmarshall@karballaw.com](mailto:nmarshall@karballaw.com)

[efdunne@karballaw.com](mailto:efdunne@karballaw.com)